

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALICIA STREET, et al.,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:19-CV-02590-CDP
)	
LT. COL. LAWRENCE O'TOOLE, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS OF
DEFENDANTS AUBUCHON et al. (ADD-ON DEFENDANTS)**

Lt. Col. Gerald Leyshock was the incident commander on the night of September 17, 2017. He was in charge of the entire operation. Underneath him, numerous lieutenants and sergeants commanded of various groups of line officers. At 11:30 PM, people quietly milled about at the intersection of Washington and Tucker. None of these people were engaged in any criminal behavior, much less violence. Despite this, Leyshock and the other supervisors ordered the mass arrest of everyone in that vicinity. Supervisors and other line officers pepper sprayed Plaintiffs indiscriminately and beat many of them. The only purposes for these arrests were to, first, terrorize these 120 citizens because some of the arrested persons had the gall to protest the police and, second, stamp out any future protests before they started.

In their Motion to Dismiss, Defendant Lt. Scott Aubuchon and the other Defendants identified in Paragraph 11 of the First Amended Complaint “adopt the arguments in support of all other motions to dismiss to the extent applicable.” Doc. No. 26 at 1. Similarly, in the interest of economy, for the Paragraph 11 Defendants with ranks of sergeant, lieutenant, and major, Plaintiffs incorporate the facts and arguments in their Opposition to Defendants’ Motion to Dismiss Defendants Leyshock and Other Supervisory Defendants. For the remaining Paragraph 11

Defendants, Plaintiffs incorporate the facts and arguments in their Opposition to Defendants' Motion to Dismiss Defendants Bain, et al. ("Line Officers"). Because Plaintiffs properly pleaded their claims, Defendants' Motion should be denied in full.

Date: May 13, 2020

Respectfully submitted,

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/s/ James R. Wyrsh

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